

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCHAWN JAMES CRUZE,

Plaintiff,

v.

BERNIE WARNER, et al.,

Defendants.

CASE NO. C13-5220 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND HIS
COMPLAINT

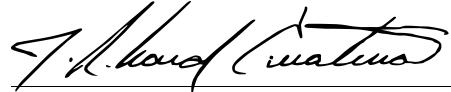
The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks the Court to allow him to amend his complaint to show why he names several supervisory prison officials (ECF No. 29). The Court has reviewed the motion and denies it because plaintiff is seeking to hold these defendants liable based on the theory of *respondeat superior*.

A defendant cannot be held liable under 42 U.S.C. § 1983 solely on the basis of a supervisory responsibility or position. *Monell v. New York City Dept. of Social Services*, 436

1 U.S. 658, 694 n.58 (1978). Thus, the theory of *respondeat superior* is not sufficient to state a
2 claim under § 1983. *Padway v. Palches*, 665 F.2d 965, 968 (9th Cir. 1982). Accordingly
3 plaintiff's proposed amendment to the complaint would be futile and the motion is denied.

4 Dated this 3rd day of July, 2013.

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7 J. Richard Creatura
8 United States Magistrate Judge
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